

REMARKS

The office action of May 26, 2009, has been carefully considered.

It is noted that claims 6, 8, 11, 18 and 20 are rejected under 35 U.S.C. 112, second paragraph.

Claims 1-11, 13-17 and 19-22 are rejected under 35 U.S.C. 102(e) over the patent application of Fowler.

Claim 12 is rejected under 35 U.S.C. 103(a) over Fowler in view of the patent application of Miller.

Claim 18 is rejected under 35 U.S.C. 103(a) over Fowler in view of the patent to Milborn.

In view of the Examiner's rejections of the claims, applicant has canceled claims 2, 3 and 5, and amended claims 1, 4, 7, 8, 11, 18 and 20.

It is respectfully submitted that the claims now on file particularly point out and distinctly claim the subject matter

which applicant regards as the invention. Applicant has amended the claims to address the instances of indefiniteness pointed out by the Examiner.

In view of these considerations it is respectfully submitted that the rejection of claims 6, 8, 11, 18 and 20 under 35 U.S.C. 112, second paragraph is overcome and should be withdrawn.

It is respectfully submitted that the claims presently on file differ essentially and in an unobvious, highly advantageous manner from the constructions disclosed in the references.

Turning now to the references and particularly to the patent application of Fowler, it can be seen that this reference discloses a water resistant tongue and groove flooring. The Fowler construction has a backing layer 16, a core layer 17, a decorative layer 18 and a wear layer 19. Fowler does not disclose an intermediate layer as recite in amended claim 1 now on file. Neither the core layer 17 nor the decorative layer 18 can be considered the same as the intermediate layer recited in claim 1. Fowler does not disclose an intermediate layer that is foamed or sprayed on the support layer and the coating element so as to simultaneously form a bordering encircling the building

component, which bordering is of the same material as the intermediate layer. There is no bordering that encircles the building component formed by an intermediate layer in Fowler.

In view of these considerations it is respectfully submitted that the rejection of claims 1-11, 13-17 and 19-22 under 35 U.S.C. 102(b) over the above-discussed reference is overcome and should be withdrawn.

The Miller and Milborn references have also been considered. Applicant submits that neither of these references add anything to the teachings of Fowler so as to suggest the presently claimed invention as discussed above. Thus, it is respectfully submitted that the rejections of claims 12 and 18 under 35 U.S.C. 103(a) are overcome and should be withdrawn.

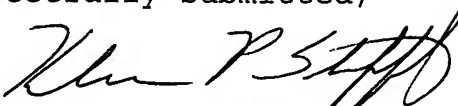
Reconsideration and allowance of the present application are respectfully requested.

Any additional fees or charges required at this time in connection with this application may be charged to Patent and Trademark Office Deposit Account No. 11-1835.



BE-172

Respectfully submitted,

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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, PO Box 1450 Alexandria, VA 22313-1450, on August 19, 2009.

By: 
Klaus P. Stoffel

Date: August 19, 2009